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Attorneys for Alejandra Enriquez-Atunez and Enrique Martinez

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADRIANA ENRIQUEZ,
ALEJANDRA ENRIQUEZ-ATUNEZ,
and
ENRIQUE MARTINEZ,

Defendants.

CASE NO. 2:21-CR-00169-RFB-BNW

**UNOPPOSED JOINT MOTION FOR
MODIFICATION OF PRETRIAL
CONDITIONS**

Defendants Alejandra Enriquez-Atunez, by and through her counsel of record, Jacqueline Tirinnanzi, Esq., and Enrique Martinez, by and through his counsel of record, Ivette A. Maningo Esq., request that this Court enter an order modifying conditions of pretrial release set by this Court that would allow the co-defendants the limited scope of contact for the purpose of facilitating shared custody between their two daughters. Pretrial Services Officers for Alejandra

1 Enriquez-Atunez and Enrique Martinez do not object to this motion. Additionally, in relation to
2 Mr. Martinez, Pretrial Services Officer Barlow does not oppose the removal of conditions for
3 curfew and Global Positioning Monitoring (GPS). All other conditions may remain in effect. The
4 government's position is in deference to Pretrial Services on both requests set forth in this
5 motion. This motion is made and based upon the attached memorandum of points and
6 authorities, the pleadings, and papers on file herein, and any argument to be entertained by the
7 Court.
8

9
10 Respectfully submitted,

11 /s/ Jacqueline Tirinnanzi
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MEMORANDUM OF POINTS AND AUTHORITIES

In the instant case, an indictment was filed on June 16, 2021. ECF No. 1. Defendants Alejandra Enriquez-Atunez (“Ms. Enriquez”) and Enrique Martinez (“Mr. Martinez”) were charged with Conspiracy to Distribute a Controlled Substance in violation of 21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(A)(viii), and 841(b)(1)(C). The defendants were also charged with Distribution of a Controlled Substance in violation of 21 U.S.C. §§ 841 (a)(1), (b)(1)(B)(ii) (three counts toward Ms. Enriquez, and one count for Mr. Martinez).

Ms. Enriquez and Mr. Martinez’s initial appearances and arraignments occurred on June 22, 2021, each plead not guilty to all counts. ECF No. 12, 18. This Court entered personal recognizance bonds releasing Ms. Enriquez and Mr. Martinez under special conditions. ECF No. 15, 16. Included among the various conditions of release for both defendants are that “defendant shall avoid all contact directly or indirectly with co-defendants unless it is in the presence of counsel.” Id. at ¶ 3.

Ms. Enriquez and Mr. Martinez now seek modification of the Court’s conditions that will allow them communication for the limited purpose of coordinating custody with their two shared daughters, Bianca and Chloe (ages six and eight). The daughters currently reside with their mother, Ms. Enriquez, however both parents are eager for the girls to have visits with their father, Mr. Martinez.

Ms. Enriquez and Mr. Martinez were married and are estranged as spouses as recently as 2021. On June 16, 2021, Ms. Enriquez filed a Temporary Protective Order Against Domestic Violence (“TPO”), in Clark County District Court, Case No. T-21-214838-T. The basis for the filing of the report was due to Ms. Enriquez’s concern for how her husband would react when she announced her desire to leave the marriage, and other details in relation to her decision to leave Mr. Martinez. According to Ms. Enriquez, no domestic violence was ever directed towards

1 her or the children (the language in the TPO applies to both instances of domestic violence *or in*
2 *the possibility there is a threat of domestic violence*). Furthermore, the TPO expired on July 31,
3 2021. The fact that Ms. Enriquez and Mr. Martinez have both requested through their attorneys
4 the ability to communicate for the limited purpose of exchanging the children between
5 households demonstrates their commitment and willingness to operate a mature, coparenting
6 rapport for the sake of their young daughters, and that the TPO was merely filed by Ms. Enriquez
7 in an abundance of caution, because she was announcing the ending of their spousal relationship.
8 Additionally, the TPO contemplated shared custody, however Ms. Enriquez and Mr. Martinez
9 were arrested in the instant matter within days of the filing of the TPO.
10

11 A court releasing a defendant under 18 U.S.C. § 3142 shall do so subject to the least
12 restrictive conditions. 18 U.S.C. § 3142(c)(1)(B). The court may amend or change the
13 conditions at any time. 18 U.S.C. § 3142(c)(3); *see United States v. Honeyman*, 470 F.2d 473,
14 474 (9th Cir.1972). Both Ms. Enriquez and Mr. Martinez submit that they have demonstrated
15 their willingness to comply with this Court's orders and have done so successfully. Both
16 defendants are fully compliant with all conditions and continue to be employed full time.
17

18 Pretrial Services Officers Barlow and Bassler-Wide do not object to the abovementioned
19 modification of the release conditions, yet also do not take a position in support of the request
20 (no position). The government's position is in deference to Pretrial Services on both requests set
21 forth in this motion.
22

23 As Such, in addition to no opposition to the modification of the condition of no contact
24 among the co-defendants, Pretrial Services Officer Barlow has no opposition to the having the
25 following two conditions removed as applicable to Mr. Martinez:

26 (51) The defendant shall participate in the following location monitoring program
27 component and abide by its requirements as Pretrial Services or the supervising
28 officer instructs:

(51A) Curfew: The defendant is restricted to his residence every day at a time schedule deemed appropriate by Pretrial Services or the supervising officer.

(52) The defendant shall submit to the type of location monitoring technology indicated below and abide by all of the program requirements and instructions provided by Pretrial Services or the supervising officer related to the proper operation of the technology:

(52D) Global Positioning Satellite (GPS) monitoring.

Accordingly, Ms. Enriquez and Mr. Martinez respectfully request that this Court enter an order modifying both of their conditions of release to permit contact for the limited purpose of facilitating shared custody of their daughters, and/or any other condition this Court determines would suffice considering the goal of shared custody. Mr. Martinez additionally requests the removal of his conditions for curfew and GPS monitoring.

Dated this 4th day of November 2021.

Respectfully submitted,

/s/Jacqueline Tirinnanzi
JACQUELINE TIRINNANZI, ESQ
Attorney for Alejandra Enriquez-Atunez

/s/ Ivette A. Maningo
IVETTE A. MANINGO, ESQ
Attorney for Enrique Martinez

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

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ADRIANA ENRIQUEZ,
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CASE NO. 2:21-CR-00169-RFB-BNW

ORDER

The Court, finding good cause showing and with no objection by Pretrial Services, ORDERS that Defendants Alejandra Enriquez-Atunez and Enrique Martinez's pretrial release orders be modified to permit a limited scope of communication for the purposes of facilitating the exchange of their daughters between parental households. Furthermore, with respect to Mr. Martinez, this Court removes the conditions of curfew and Global Position Satellite (GPS) monitoring. All other conditions shall remain in full force and effect.

DATED: 11/5/2021



THE HONORABLE BRENDA WEKSLER
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that I am an Attorney of Counsel at KATHLEEN BLISS LAW PLLC and that on this 4th day of November 2021, I did cause a true copy of: motion.

UNOPPOSED JOINT MOTION FOR MODIFICATION OF PRETRIAL CONDITIONS

To be served via electronic service by the U.S. District Court CM/ECF system to the parties on the Electronic Filing system in this action.

By: /s/Jacqueline Tirinnanzi
An Attorney of Counsel at
KATHLEEN BLISS LAW

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